

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA

**MOTION BY A PERSON IN FEDERAL CUSTODY
TO VACATE, SET ASIDE, OR CORRECT SENTENCE UNDER 28 U.S.C. § 2255**

UNITED STATES DISTRICT COURT		Division
Name of Movant/Defendant	Prisoner No.	Case No.
Place of Confinement (including address)		
UNITED STATES OF AMERICA v. (name under which convicted)		

MOTION

1. Name and location of court which entered the judgment of conviction under attack: _____

2. Date of judgment of conviction: _____

3. Length of sentence: _____

4. Nature of offense involved (all counts): _____

5. What was your plea? (Check one)

(a) Not Guilty ☐

(b) Guilty ☐

(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details: _____

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐

(b) Judge only ☐

7. Did you testify at the trial? Yes ☐ No ☐

8. Did you appeal from the judgment of conviction to the Eleventh Circuit Court of Appeal?

Yes ☐ No ☐

9. If you did appeal, answer the following:

(a) Result: _____

(b) Date of result and mandate: _____

10. Did you file a petition for rehearing?

Yes ☐ No ☐

11. If you did file a petition for rehearing, provide the date and result of the petition: _____

12. Did you file a petition for certiorari review?

Yes ☐ No ☐

13. If you did file a petition for certiorari review, provide the date and result of the petition: _____

14. Have you previously filed any post-conviction petitions, applications or motions, including previous § 2255 motions, with respect to this judgment in any federal court?

Yes ☐ No ☐

15. If your answer to 14 was "yes," give the following information:

(a) (1) Name of court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result: _____

(6) Date of result: _____

(b) If you filed more than one such petition, please include the same information requested in 11(a) on a separate sheet of paper.

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on your petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action of any petition, application or motion, explain briefly

why you did not: _____

16. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

A. Ground one: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

B. Ground two: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

C. Ground three: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

D. Ground four: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

17. As to the grounds listed in 16A, B, C, and D, explain whether any grounds were previously presented, and for those that were not previously presented, state *briefly* your reasons for not presenting them: _____

18. Do you have any petition or appeal now pending in any court as to the judgment under attack?
Yes ☐ No ☐

19. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
Yes ☐ No ☐

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

16. What relief do you request from this Court? _____

Wherefore, movant prays that the Court grant the relief to which he or she may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty or perjury that the foregoing is true and correct. Executed on:

(Date)

Signature of Movant/Defendant

IF MAILED BY PRISONER:

I declare or state under penalty of perjury that this petition was (check one):

☐ delivered to prison officials for mailing, or ☐ deposited in the prison's internal mail system on:

_____ (date).

Signature of Movant/Defendant